

1 JAMES M. WAGSTAFFE (95535)
2 JACQUELINE SCOTT CORLEY (173752)
3 **KERR & WAGSTAFFE LLP**
4 100 Spear Street, Suite 1800
5 San Francisco, CA 94105-1528
6 Telephone: (415) 371-8500
7 Fax: (415) 371-0500

8 Attorneys for Defendant
9 KATE E. BLOCH

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN C. McMUNIGAL,

Case No. 10-CV-2765 PVT

Plaintiff,

**STIPULATION (1) TO CONTINUE
HEARING ON DEFENDANT'S
MOTION TO DISMISS, (2) TO EXTEND
MEDIATION DEADLINE, AND (3) TO
CONTINUE CASE MANAGEMENT**

vs.

KATE E. BLOCH,

Defendant.

1 WHEREAS on September 21, 2010, Defendant filed a Motion to Dismiss the entire
2 Complaint and noticed the motion for hearing on November 2, 2010 at 9:00 a.m and Plaintiff has
3 asked that the hearing on the Motion to Dismiss be continued;

4 WHEREAS the initial Case Management Conference is scheduled for October 26, 2010
5 at 2:30 p.m. and Plaintiff's counsel is unavailable on that date and the parties believe it is in the
6 interests of justice to hold the Case Management Conference after a ruling on the pending
7 Motion to Dismiss; and

8 WHEREAS the deadline to complete mediation through the Court's ADR Program is
9 November 24, 2010, but due to the parties' teaching obligations such deadline is difficult to
10 meet, and the parties and the Court-appointed mediator have agreed to mediate the case on
11 December 10, 2010;

12 The parties stipulate and agree to the following:

13 1. The hearing on Defendant's motion to dismiss is continued to December 20, 2010
14 at 9:00 a.m. Plaintiff shall file and serve his opposition on or before October 29, 2010 and
15 Defendant shall file and serve her reply on or before November 19, 2010;

16 2. The deadline to complete mediation is continued from November 24, 2010 to
17 December 10, 2010;

18 3. The initial Case Management Conference shall be held after a ruling on the
19 pending Motion to Dismiss; accordingly, it is continued to January 28, 2011.

20 DATED: October 7, 2010

LAW OFFICES OF MATTHEW B. PAVONE

21 By s/Matthew B. Pavone
22 MATTHEW B. PAVONE
23 Attorneys for Plaintiff
24 KEVIN C. McMUNIGAL

25 DATED: October 7, 2010

KERR & WAGSTAFFE LLP

26 By s/Jacqueline Scott Corley
27 JACQUELINE SCOTT CORLEY
28 Attorneys for Defendant
 KATE E. BLOCH

1 IT IS SO ORDERED.
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: _____, 2010

Susan Illston

THE HONORABLE SUSAN ILLSTON

1 WHEREAS on September 21, 2010, Defendant filed a Motion to Dismiss the entire
2 Complaint and noticed the motion for hearing on November 2, 2010 at 9:00 a.m and Plaintiff has
3 asked that the hearing on the Motion to Dismiss be continued;

4 WHEREAS the initial Case Management Conference is scheduled for October 26, 2010
5 at 2:30 p.m. and Plaintiff's counsel is unavailable on that date and the parties believe it is in the
6 interests of justice to hold the Case Management Conference after a ruling on the pending
7 Motion to Dismiss; and

8 WHEREAS the deadline to complete mediation through the Court's ADR Program is
9 November 24, 2010, but due to the parties' teaching obligations such deadline is difficult to
10 meet, and the parties and the Court-appointed mediator have agreed to mediate the case on
11 December 10, 2010;

12 The parties stipulate and agree to the following:

13 1. The hearing on Defendant's motion to dismiss is continued to December 20, 2010
14 at 9:00 a.m. Plaintiff shall file and serve his opposition on or before October 29, 2010 and
15 Defendant shall file and serve her reply on or before November 19, 2010;

16 2. The deadline to complete mediation is continued from November 24, 2010 to
17 December 10, 2010;

18 3. The initial Case Management Conference shall be held after a ruling on the
19 pending Motion to Dismiss; accordingly, it is continued to January 28, 2011.

20 DATED: October 7, 2010

LAW OFFICES OF MATTHEW B. PAVONE

21 By


MATTHEW B. PAVONE
Attorneys for Plaintiff
KEVIN C. McMUNIGAL

24 DATED: October 7, 2010

KERR & WAGSTAFFE LLP

25 By


JACQUELINE SCOTT CORLEY
Attorneys for Defendant
KATE E. BLOCH